

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
(Alexandria Division)**

**OLIVETTE BURROUGHS,**

**Plaintiff,**

**v.**

**Case No.: 1:20-cv-01278**

**LARRY KIRK SAGER,**

**Serve:**

**Commissioner of the DMV  
Attn: Customer Records Work Center  
2300 West Broad Street  
Richmond, VA 23269**

**and**

**ACCU-CRETE, INC.**

**Serve:**

**Corporation Service Company  
Registered Agent for ACCU-CRETE, INC.  
100 Shockoe Slip, Floor 2  
Richmond, Virginia 23219**

**Defendants.**

**Serve also:**

**Nationwide Property & Casualty Insurance Company  
Registered Agent for Nationwide Property & Casualty Insurance Company  
100 Shockoe Slip, Floor 2  
Richmond, Virginia 23219**

**Serve also:**

**Maryland Auto Insurance Fund  
Mark D. McCurdy, Esq., Executive Director  
1215 East Fort Avenue  
Suite 300  
Baltimore, MD 21230**

**Serve also:**

**Virginia Department of General Services  
Joseph F. Damico, Director  
Washington Building**

**1100 Bank Street, Suite 420  
Richmond, VA 23219**

### **COMPLAINT**

Plaintiff, Olivette Burroughs (“Ms. Burroughs”), by counsel, moves this Court for judgment against Defendants, Larry Kirk Sager (“Defendant Sager”), and ACCU-CRETE, INC. (collectively, “Defendants”), jointly and severally, and in support of her Complaint, states as follows:

#### **Jurisdiction and Venue**

1. Jurisdiction is based on diversity of citizenship and amount in controversy pursuant to 28 U.S.C. § 1332.
2. The Court has personal jurisdiction over the Defendants and venue is proper because Defendant Sager, acting within the scope and course of his employment with ACCU-CRETE, INC., committed a tort in the County of Fairfax, Virginia.

#### **Parties**

3. Ms. Burroughs is a citizen of Virginia.
4. Upon information and belief, Defendant Sager is a citizen of Maryland.
5. Upon information and belief, ACCU-CRETE, INC. is a Tennessee corporation with its principal place(s) of business located at 229 Westchase Drive, Nashville, Tennessee 37205 and/or 8434 Westphalia Road, Upper Marlboro, Maryland 20774.

#### **Allegations**

6. At all times relevant hereto, Defendant Sager was operating a 2009 Volvo VNL 300 tractor trailer truck owned by his employer ACCU-CRETE, INC., and was doing so in the scope and course of his employment with ACCU-CRETE, INC.

7. At all times relevant hereto, Defendant ACCU-CRETE, INC. acted through its employees and agents who were acting within the scope of their employment or agency with Defendant ACCU-CRETE, INC.

8. On or about October 23, 2019, Ms. Burroughs was traveling in a motor vehicle northbound on I-495 at or near the Route 236 exit in the County of Fairfax, Virginia.

9. At the same time and place, Defendant Sager was traveling behind Ms. Burroughs' vehicle on I-495, northbound, at or near the Route 236 exit in the County of Fairfax, Virginia.

10. At the same time and place in Ms. Burroughs' lane of travel, Defendant Sager caused his vehicle to crash at a high rate of speed into the rear-end of Ms. Burroughs' vehicle.

11. At all times relevant hereto, Defendant Sager owed all applicable duties in connection with the use and operation of his tractor trailer to comply with all applicable statutes, codes, laws, and regulations, including but not limited to the Federal Motor Carrier Safety Regulations ("FMCSRs"), the Virginia Motor Carrier Safety Regulations ("VMCSRs"), and the Virginia Code.

12. Additionally and at all times relevant hereto, Defendant Sager owed the duties to use ordinary care in the operation of his vehicle; to follow the speed limit; to operate at a safe distance for the conditions; to keep the vehicle under proper control; to follow the traffic ahead at a safe distance; and to keep a proper lookout.

13. Defendant Sager violated these laws and breached these duties and was negligent.

14. Defendant ACCU-CRETE, INC. is liable for Defendant Sager's negligence committed in the course and scope of his employment and/or agency under the principle of *respondeat superior*.

15. As a direct and proximate result of the negligent actions and omissions of Defendant Sager and, vicariously, Defendant ACCU-CRETE, INC., Ms. Burroughs suffered the following damages: severe and permanent bodily injuries; physical pain and mental anguish, past, present, and that which she may be reasonably expected to suffer in the future; inconvenience, past, present, and that which she may be reasonably expected to suffer in the future; medical expenses, past, present, and that which she may be reasonably expected to suffer in the future; lost earnings and loss of earning capacity, past, present, and that which she may be reasonably expected to suffer in the future; and has otherwise been damaged.

WHEREFORE, Plaintiff, Olivette Burroughs, prays for judgement and an award of execution against Defendants, Larry Kirk Sager and ACCU-CRETE, INC., jointly and severally, in the sum of FIVE HUNDRED THOUSAND and 00/100 DOLLARS (\$500,000.00) for compensatory damages, together with all applicable interest, costs, and attorneys' fees.

**TRIAL BY JURY IS DEMANDED.**

OLIVETTE BURROUGHS

/s/ Barrett Enix, Esq. \_\_\_\_\_  
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*Counsel for Plaintiff*